

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

V.

4:07CV00520 JMM

**FARON LEE TALLENT, ANY SPOUSE,
KNOWN OR UNKNOWN OF FARON LEE
TALLENT; AND REGIONS BANK, N.A.,
Formerly Union Planters Bank, N.A., Formerly
Farmers & Merchants Bank of Des Arc, Arkansas**

DEFENDANTS

ORDER DENYING DEFENDANT'S MOTION TO DISMISS

Pending is Defendant Faron Lee Tallent's Motion to Dismiss. The United States has responded and Mr. Tallent has replied. For the reasons set forth below, the Motion is DENIED.

Mr. Tallent alleges that the Court does not have subject matter jurisdiction over the foreclosure action because he has not been given the opportunity to appeal and because he has an alleged discrimination complaint which has not been closed by the USDA Office of Civil Rights. Further, Tallent claims that the United States has failed to set forth sufficient facts in the Complaint as required by Rule 8 and 9 of the Federal Rules of Civil Procedure.

According to the Complaint, jurisdiction in this case is predicated upon 28 U.S.C. § 1345 which provides as follows:

Except as otherwise provided by Act of Congress, the district courts shall have original jurisdiction of all civil actions, suits or proceedings commenced by the United States, or by any agency or officer thereof expressly authorized to sue by Act of Congress.

Generally, district courts have original jurisdiction over suits brought by the United States to foreclose mortgages on realty situated within the district.

Having carefully reviewed the cited authority, the Court finds that neither the statutes nor the regulations cited by Tallent divest this Court of jurisdiction under 28 U.S.C. § 1345. Tallent

has failed to establish a statutory exception to the general jurisdiction statute found at 28 U.S.C. § 1345. Tallent's contentions that this Court lacks subject matter jurisdiction over this matter are wholly unsupported by the law.

Further, Tallent claims that the United States has failed to provide the requisite information in its Complaint and, thus, the Complaint must be dismissed. The United States' Complaint asserts the basis for jurisdiction, describes the loans, promissory notes and mortgages involved. It alleges default has occurred and a demand for the balance has been made. The Complaint states that all conditions precedent have been performed and identifies the relief sought. The Court finds that the Complaint states a foreclosure claim upon which relief can be granted.

For these reasons, the Defendant's Motion to Dismiss (Docket # 6) is DENIED.

IT IS SO ORDERED this 8th day of January 2008.

A handwritten signature in cursive script, reading "James M. Moody", is written over a horizontal line.

James M. Moody
United States District Judge